IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.598 Of 2001.

Raam Nagrani Vs. Smt. Ishwari Bhatia & Another

Date Of Order ::: 23.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Rajesh Kapoor, Counsel for defendant-appellant
Mr. Reash Bhargava, Counsel for plaintiff-respondents

By the Court :

Heard learned counsel for both the parties.

The plaintiff-respondents filed a suit for eviction in respect of the rented property, which was decreed by the Lower Court on the ground of default in making the payment of rent, damages to rented property by the defendant and change of user of the rented property. The First Appellate Court while dismissing the appeal of the defendant affirmed the finding of the Lower Court on all the above three grounds.

I have heard the learned counsel for both the

parties and after considering their submissions in the light of the finding of both the Courts below, I find that the controversial issues involved in the present case are relating to the question of facts and there is a concurrent finding of fact recorded by both the Courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.